

REMARKS

I. INTRODUCTION

Applicants have cancelled claims 1, 3, 6-9, and 14-20, amended claims 2, 4-5, 10, and 12-13 and added new claims 21-26. Accordingly, claims 2, 4-5, 10-13 and 21-26 are presently pending in this application. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following arguments.

II. AMENDMENTS TO THE SPECIFICATION

Applicants have amended paragraph [0018] of the specification to insert reference numbers for the "bores" of the axle beam in conformance with amendments made to Figure 1. Applicants have amended paragraph [0020] of the specification to substitute reference numbers "63" and "65" for "64" and "66," respectively, in conformance with amendments made to Figure 1. Applicants submit that the amendments do not add any new matter.

III. AMENDMENTS TO THE DRAWINGS

Applicants have amended Figure 1 to eliminate the duplicate use of reference numbers "64" and "66" (converting one instance of each to "63" and "65," respectively). Applicants have also amended Figure 1 to better illustrate the bores at either end of the axle beam and have inserted reference numbers "51" and "53" to identify the bores. Applicants submit that these amendments do not add any new matter.

IV. AMENDMENTS TO THE CLAIMS

Applicants have amended claims 2, 4 and 13 to place claims 2, 4 and 13 into independent form. Applicants have amended claims 5 and 10 to change the dependency of the claims to claim 2. Applicants have amended claim 12 for consistency with claim 2

from which claim 12 now indirectly depends. Applicants submit that these amendments do not add any new matter.

V. NEW CLAIMS 21-26

Applicants have added new claims 21-26. Claims 21-24 are substantially the same as original claims 5 and 10-12, but depend from claim 4. Claims 25-26 are substantially the same as original claims 5 and 11, but depend from claim 13. Applicants submit that new claims 21-26 do not add any new matter.

VI. OBJECTIONS TO THE DRAWINGS

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference numbers “64” and “66” were used to designate two different parts in the drawings. Applicants have amended Figure 1 to replace one instance of “64” and “66” with reference numbers “63” and “65,” respectively. Accordingly, Applicants submit that the objection to the drawings under 37 C.F.R. § 1.84(p)(4) has been overcome and Applicants request that the objection be withdrawn.

The drawings stand objected to under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. In particular, the Examiner asserts that the drawings do not show the “first and second bores.” Applicants have amended Figure 1 to better illustrate the kingpin bores found at either end of the axle beam. Applicants have numbered the bores “51” and “53”. Applicants submit that the objection to the drawings under 37 C.F.R. § 1.83(a) has been overcome and Applicants request that the objection be withdrawn.

VII. REJECTION OF CLAIMS 1-5, 10-13, 18 AND 20 UNDER 35 U.S.C. § 102(E)
Claims 1-5, 10-13, 18 and 20 stand rejected under 35 U.S.C. § 102(e) as

anticipated by Ziech et al. (U.S. Published Patent Application No. 2003-0234529). It is Applicants' understanding that the Examiner has withdrawn this rejection.

VIII. PROVISIONAL REJECTION OF CLAIMS 1-3, 5, 10-13, 18 AND 20 UNDER 35 U.S.C. §§ 102-103.

Applicants' understand that the Examiner is prepared to reject claims 1-3, 5, 10-13, 18 and 20 under 35 U.S.C. §102 and/or 35 U.S.C. § 103 over Wahlberg ((U.S. Patent No. 2,304,291). Applicants further understand that the Examiner considers at least claim 4 to be allowable over Wahlberg. Applicants have cancelled claims 1, 3, 18 and 20 and amended claims 2, 4, 5, 11 and 12-13. Applicants respectfully submit that any rejection of claims 2, 4-5, and 10-13 would be improper because Wahlberg does not teach or suggest a steer axle and suspension assembly meeting all of the limitations of the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaa Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

Independent claims 2, 4 and 13 each recite a steer axle and suspension assembly including a suspension having "a suspension member connected to said frame at a first end and to said steer axle assembly at a second end" and a "first suspension arm connected to said frame at a first end and to said steer axle assembly at a second end at a location outboard of said first and second frame rails, said first suspension arm extending longitudinally at an angle relative to said first and second frame rails." Claim 2 further recites "wherein said second end of said first suspension arm is mounted on said axle

beam.” Claim 4 further recites “wherein said second end of said first suspension arm is mounted on said first steering knuckle.” Claim 13 further recites “wherein one of said second end of said suspension member and said second end of said first suspension arm is mounted to one of said axle beam, said first kingpin and said first steering knuckle and another of said second end of said suspension member and said second end of said first suspension arm is mounted to another of said axle beam, said first kingpin and said first steering knuckle.” Applicants respectfully submit that Wahlberg does not disclose or suggest a steer axle and suspension assembly meeting the above-recited limitations.


Wahlberg discloses an automotive suspension in which a pair of “brace rods” 76, 78 are connected to frame members 36, 38 at one end and to a bracket 88 at another end with the bracket 88 supported on a top portion 92 of a kingpin 90. Figure 4. Wahlberg does not disclose or suggest a suspension arm with one end “mounted on said axle beam” as recited in claim 2 or “mounted on said first steering knuckle” as recited in claim 4. Accordingly, Wahlberg cannot meet the limitations of claim 2 or 4. Further, because claim 13 requires at least one of the “suspension member” and “suspension arm” to be mounted on either the axle beam or the steering knuckle, Wahlberg cannot meet the limitations of claim 13.

Because Wahlberg does not disclose or suggest all of the limitations recited in independent claims 2, 4 or 13, Applicants submit that any rejection of claims 2, 4 or 13 under 35 U.S.C. §§ 102-103 in view of Wahlberg would be improper. Similarly, at least because claims 5 and 10-12 depend from independent claim 2, Applicant submits that any rejection of claims 5 and 10-12 under 35 U.S.C. §§ 102-103 under Wahlberg would be improper.

IX. CONCLUSION

For the above cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,



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